

## **REMARKS**

Reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended to make it even clearer that the amount of biopolymer, when added, is at most 0.3 wt. %. This is supported at page 9, first full paragraph of the specification. Also, the language concerning fat levels has been amended to make it clearer.

The amendment makes it even clearer that the biopolymer, while not a necessary ingredient, when present is added at most at 0.3 wt. %. Moreover, the language makes it even clearer that the 0.3 wt. % limitation refers to the biopolymers present, not merely any single biopolymer. It is submitted that this is a fair reading of page 9, second paragraph of the specification.

As pointed out in the amendment after final, Rainey includes both whey powder at 0.75% and xanthan gum at 0.17%. Particularly in view of the amended claim language, it is not merely the xanthan gum which needs to be considered in connection with the 0.3 wt. % limitation. Therefore, it is submitted that Rainey does not disclose or teach a composition with the 0.3 wt. % limitation. Consequently, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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